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5 UNITED STATES DISTRICT COURT
6 WESTERN DISTRICT OF WASHINGTON
7 AT SEATTLE

8 DOUGLAS J. BOLLEFER,

9 Plaintiff,

10 v.

11 COMMISSIONER OF SOCIAL SECURITY,

12 Defendant.

CASE NO. C19-1856-BAT

**ORDER GRANTING PLAINTIFF'S
MOTION TO SUPPLEMENT THE
ADMINISTRATIVE RECORD,
DENYING THE MOTION TO
RECONSIDER, AND DENYING THE
REQUEST FOR ORAL ARGUMENT**

13 *Pro se* plaintiff filed a motion for discovery that has been construed as a motion to
14 supplement the administrative record. Dkt. 14. Plaintiff contends that he mailed two documents
15 identified as Dockets 054108 and 054109—so-labeled because they were part of a state
16 unemployment benefits action—and those documents should have been part of the
17 administrative alongside Docket 054107. Dkt. 14; *see* Tr. 14–16 (Docket 054107). In response,
18 the Commissioner contends there is no evidence the Commissioner ever received Dockets
19 054108 and 054109 and therefore cannot produce them and, in any event, plaintiff cannot
20 demonstrate that the requested documents show a reasonable possibility of changing the outcome
21 of the current appeal. Dkt. 17. In reply, plaintiff cites photo scans of the first pages of Dockets
22 054108 and 054109 that currently exist in the administrative record. Dkt. 18, at 5–6; *see* Tr. 437–
23 47. Plaintiff states that he can produce copies of Documents 054108 and 054109 upon request

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ARGUMENT - 1

1 and that they are relevant to the question of alleged onset date. Dkt. 18, at 6.

2 The Court **GRANTS** plaintiff's motion to supplement the administrative record and
3 **DIRECTS** plaintiff to attach Dockets 054108 and 054109 to his opening brief. Dkt. 14. The
4 Court takes judicial notice that the parties disagree about whether they were actually received by
5 the Commissioner and that these documents are officially part of a state administrative
6 proceeding. For the reasons previously stated, the Court **DENIES** plaintiff's request to
7 reconsider the Court's decision to deny supplementing the administrative record with irrelevant
8 documentation. *See* Dkt.16. The Court **DENIES** as unnecessary plaintiff's request for oral
9 argument on the current motion. The Court reminds plaintiff that the current action is an appeal,
10 not a trial. The Court will be reviewing whether the ALJ's decision was supported by substantial
11 evidence and free from harmful legal error. The Court will not be determining the adequacy or
12 inadequacy of the Commissioner's mailing or filing procedures. Plaintiff's argumentation should
13 be directed toward whether the ALJ's decision was factually and legally supported.

14 DATED this 19th day of March, 2020.

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17 BRIAN A. TSUCHIDA
18 Chief United States Magistrate Judge
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